

1 Plaintiff filed a Complaint (#1) in this action on January 13, 2009, against various
2 defendants including the Sparks Defendants.² Plaintiff's Complaint alleged thirty-three causes
3 of action and sought both injunctive relief and \$10,000,000 in damages. On January 27, 2009,
4 the Sparks Defendants filed a motion for more definite statement on the basis that "the
5 Complaint in the instant matter [was] vague, ambiguous, and speculative." (Motion for More
6 Definite Statement (#4) at 3). According to the Sparks Defendants, the Complaint did not
7 allow them to prepare a reasonable response, to adequately deny any claim, or to properly
8 assert any defenses that might have been available. Id. In addition, the Sparks Defendants
9 stated that the Complaint failed to provide specific factual allegations against the Sparks
10 Defendants to which they could properly respond.

11 On July 28, 2009, the Court granted the Sparks Defendants' motion for a more definite
12 statement. (Order (#26)). In its Order, the Court held that Plaintiff's Complaint was so vague
13 and ambiguous that the Sparks Defendants could not reasonably prepare a response.
14 According to the Court, not only did Plaintiff's causes of action fail to identify the legal
15 elements, but the complaint also failed to state what acts or omissions the Sparks Defendants
16 engaged in that entitled her to relief against them.

17 As a result of Plaintiff's vague and ambiguous allegations, the Court ordered Plaintiff
18 to file an amended complaint as to the Sparks Defendants which clearly stated how the Sparks
19 Defendants violated Plaintiff's legal rights. Plaintiff had until August 14, 2009 to file an
20 amended complaint.

21 On September 11, 2009, the Sparks Defendants filed the current motion to dismiss.
22 The Sparks Defendants note that Plaintiff failed to file an amended complaint in this action.
23 As such, the Sparks Defendants now request that the claims asserted against them be
24 dismissed.

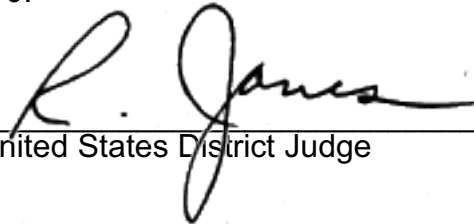
25 In this matter, the Court finds that because Plaintiff failed to file an amended complaint
26 as ordered, the Sparks Defendants are entitled to an order dismissing the claims asserted
27 against them.

28 ² All defendants aside from the Sparks Defendants have been dismissed from the lawsuit at this time.

CONCLUSION

For the foregoing reasons, IT IS HEREBY ORDERED that Defendant City of Sparks and Sparks Police Department's Motion to Dismiss (#37) is GRANTED.

Dated this 30th day of March, 2010.



United States District Judge